

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

Diana Mey
Plaintiff,

vs.

Case No. 5:18-cv-166

Environmental Safety International, Inc.
a/k/a Septic Safety
a/k/a Activator 1000
Joseph M. Carney
Joe Reed
Defendants.

MOTION FOR SUMMARY JUDGMENT

Comes now the Plaintiff, Diana Mey, and pursuant to Rule 56 of the FRCP moves this honorable Court to enter summary judgment against the Defendants in the above-captioned action.

The Defendants have failed to respond to any communications, failed to prosecute their defense, failed to participate in a Rule 26(f) meeting, and failed to keep their address up to date with the Court.

Further, the Court held a hearing on the case on or about October 24, 2019 at 11:00 AM at the Wheeling District Courthouse on the matter and the Defendants made no appearance.

This motion for summary judgment is supported by the affidavit of Diana Mey that the facts contained in her complaint and articulated in her motion are true and correct to the best of her knowledge. The motion is further supported by the affidavit of Plaintiff's counsel as to fees and costs, and includes a calculation of the statutory damages in the case.

WHEREFOR, as articulated in the attached memorandum of law, the Plaintiff moves this honorable Court to grant Plaintiff's motion for summary judgment and enter an order of judgement of damages or set a hearing on damages in the Court's discretion.

DIANA MEY
BY COUNSEL

/s/ Benjamin M. Sheridan
Benjamin Sheridan (# 11296)
Counsel for Plaintiff
Klein & Sheridan, LC
3566 Teays Valley Road
Hurricane, WV 25526
(304) 562-7111

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CERTIFICATE OF SERVICE

I, Benjamin Sheridan, attorney for the Plaintiff, certify that I served a true copy of the foregoing **MOTION FOR SUMMARY JUDGMENT** on the Defendants listed at the addresses below by first class mail, postage prepaid, on this 20th day of November, 2019.

Environmental Safety International, Inc.
a/k/a Septic Safety
a/k/a Activator 1000
685 Bergen Blvd, STE 205
Ridgefield, NJ 07657-1400

Joseph M. Carney
20 Appletree Ln
Hillsdale, NJ 07642-1228

BY: /s/ Benjamin M. Sheridan
Benjamin Sheridan (# 11296)
Counsel for Plaintiff
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